

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-52-FDW**

MAURICE Q. WILSON,

Plaintiff,

vs.

**STATE OF NORTH CAROLINA,
ERWIN CARMICHAEL,
ROY COOPER, NORTH CAROLINA
ATTORNEY GENERAL,**

Defendants.

ORDER

THIS MATTER is before the Court on the pro se Plaintiff's "Motion to Change Venue." (Doc. No. 3). Pro se Plaintiff Maurice Q. Wilson, a pre-trial detainee currently incarcerated at the Mecklenburg County Jail, filed this action on January 30, 2015. This action is titled in the caption as a "Notice and Petition for Joinder of Claims Seeking Inquiry into Restraints on Liberty." (Doc. No. 1 at 1). While it is not clear in the Complaint what claims Plaintiff is attempting to bring, apparently he is attempting to claim that he is being unlawfully detained in the Mecklenburg County Jail. Plaintiff seeks "a judicial decision following all facts and issues tried by the common law jury of North Carolina." (*Id.* at 4). Plaintiff also requests "for these proceedings to be remitted and transferred to the common law court of Mecklenburg County Courthouse so that service of process can be immediately issued on all Respondents compelling their appearances, answers, defenses, pleading, or settle." (*Id.*). On February 6, 2015, Plaintiff filed the pending "Motion to Change Venue," in which he states that he "object[s] to this United States District Court assumed jurisdiction to issue or render potential judgment and therefore request that this matter which has been assigned the docket number 3:15-cv-52 be removed from

the United States District Court and therefore remitted to the Superior Court for law and equity of North Carolina Republican” (Doc. No. 3 at 1).

Here, the Court first finds that, to the extent that Plaintiff seeks an order from this Court “changing” the venue from this Court to the North Carolina state courts, this Court does not have authority to transfer venue to the North Carolina state courts. The Court will, therefore, construe Plaintiff’s motion as a motion for voluntary dismissal under Rule 41 of the Federal Rules of Civil Procedure, and this Court will dismiss this action without prejudice to Plaintiff to re-file this action in the state courts of North Carolina if Plaintiff so wishes.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion to Change Venue (Doc. No. 3) which this Court construes as a motion for voluntary dismissal is **GRANTED** to the extent that this action is dismissed without prejudice to Plaintiff to pursue his claims in the North Carolina state courts if he so wishes.
2. Plaintiff’s Application to Proceed in Forma Pauperis, (Doc. No. 2), is **GRANTED** for the limited purpose of this order.
3. The Clerk is instructed to terminate this action.

Signed: February 9, 2015



Frank D. Whitney
Chief United States District Judge

